

A. Hariprasad Vs. the State of Kerala

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SooperKanoon Citation : sooperkanoon.com/1013404

Court : Kerala

Decided On : Jan-29-2013

Judge : Honourable Mr.Justice K.Surendra Mohan

Appellant : A. Hariprasad

Respondent : The State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM PRESENT: THE HONOURABLE MR.JUSTICE K.SURENDRA MOHAN TUESDAY, THE 29TH DAY OF JANUARY 2013 9TH MAGHA 193 WP(C).No. 1043 of 2013 (E)

----- PETITIONER(S): ----- A. HARIPRASAD, AYINIPPULLI HOUSE, KANIPPAYOOR. P.O., PIN-680 317. BY ADVS. SRI.C.R.SIVAKUMAR, SRI.JOHN THITHEEMOS. RESPONDENT(S): ----- 1. THE STATE OF KERALA, REP. BY THE SECRETARY, DEPARTMENT OF LOCAL SELF GOVERNMENT, SECRETARIAT, THIRUVANANTHAPURAM-695 001.

2. KUNNAMKULAM MUNICIPALITY, MUNICIPAL OFFICE, KUNNAMKULAM, THRISSUR DISTRICT, PIN-680 503, REP. BY ITS SECRETARY.

3. THE CHIEF TOWN PLANNER, GOVERNMENT OF KERALA, OFFICE OF THE CHIEF TOWN PLANNER, THIRUVANANTHAPURAM-695 001. R1 & R3 BY GOVT. PLEADER SMT.SAREENA GEORGE. R2 BY ADVS. SRI.RAJIT, SC,

KUNNAMKULAM MUNICIPALITY. THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29-01-2013, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: rs. WP(C).No. 1043 of 2013 (E) APPENDIX PETITIONER'S EXHIBITS:- EXT.P1 COPY OF THE SALE DEED DATED 22 09/2012. EXT.P2 COPY OF THE TAX RECEIPT DATED 05 07/2012 ALONG WITH POSSESSION CERTIFICATE DATED 17 02/2012. EXT.P3 COPY OF THE APPLICATION FOR PERMIT DATED 02 01/2013. EXT.P4 COPY OF THE JUDGMENT IN W.P.(C)NO. 32392/2010 DATED 18 11/2010. RESPONDENT'S EXHIBITS:- NIL. //TRUE COPY// P.A. TO JUDGE rs. K.SURENDRA MOHAN, J = = = = = WP(C).No.1043 of 2013. = = = = = Dated this the 29th January, 2013.

JUDGMENT

The grievance of the petitioner is regarding the delay in considering Ext.P3 application for building permit submitted by the petitioner. According to Sri.Rajit, counsel for the Municipality, the Master Plan of the Municipality is pending consideration of the Government, for approval. In a similar case, this Court has directed as per Ext.P4 judgment that an application for building permit cannot be kept pending, anticipating the approval of a Master Plan. The dictum laid down in that case is squarely applicable to the present case also.

2. In view of the above, this writ petition is allowed. The second respondent is directed to consider Ext.P3 application submitted by the petitioner in accordance with law and to pass appropriate orders thereon, as WP(C).No.1043/2013. 2 expeditiously as possible and at any rate within a period of four weeks of the date of receipt of a copy of this judgment. K.SURENDRA MOHAN, (Judge) Kvs/-